

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States District Court  
Southern District of Texas  
FILED

MAY 09 2017

Clerk of Court

United States of America  
v.MOISES D. VILLARREAL  
USC/ YOB:1968

FILED

Case No.

M-17-0826-M

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 02/02/2017 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922 (g)(1), an offense described as follows:

On February 02, 2017, the defendant, did knowingly and unlawfully possess a firearm namely:

-Sig Sauer, model P227, 45 caliber pistol, SN# 51B007759

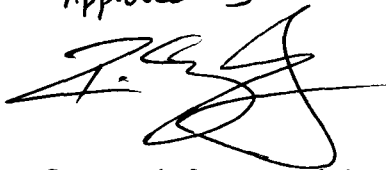
that had previously traveled in and affected interstate commerce, after being convicted in a court of law for a felony crime punishable by imprisonment for a term exceeding one year.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.

Approved by



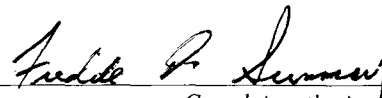
Sworn to before me and signed in my presence.

Date:

5/9/2017

City and state:

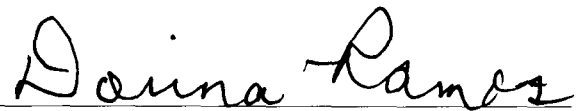
McAllen, TX



Complainant's signature

Freddie J. Summers, ATF Special Agent

Printed name and title



Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A**

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Freddie J. Summers, being first duly sworn, do hereby state the following:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a Division of the United States Justice Department. As a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, I am vested with the authority to investigate violations of Federal laws, including Titles 18, 26, and 21, United States Code.

This affidavit is in support of a criminal complaint charging Moises D. VILLARREAL (hereinafter referred to as "VILLARREAL"). The evidence available to me demonstrates that there is probable cause to believe that VILLARREAL has violated Title 18 U.S.C 922(g)(1) which states:

It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to receive, possess, or transport any firearm or ammunition in or affecting interstate or foreign commerce; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Further, the Affiant states as follows:

1. This affidavit is being filed based on the personal knowledge and observations of your affiant and other law enforcement personnel. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.
2. On Thursday, February 2, 2017, a Hidalgo County Precinct 3 Deputy Constable (DC) observed a black, Cadillac Escalade commit a traffic violation. DC Rangel conducted a traffic stop of the vehicle in Mission, Texas.
3. Upon making contact with the driver, the DC identified the driver as VILLARREAL via his Texas Driver's License. During the traffic stop, VILLARREAL stated that he had a firearm that was in his possession and that it was located inside the glove compartment of the vehicle.
4. The DC obtained verbal and written consent to search the vehicle from VILLARREAL and subsequently located a Sig Sauer, model P227, 45 caliber pistol, SN# 51B007759 inside the glove compartment. The firearm was inside the glove compartment.

**ATTACHMENT A**

5. VILLARREAL was subsequently issued a written warning and released with his firearm. It was later learned that VILLARREAL is a convicted felon, who was convicted for offenses punishable by imprisonment for over one year, under the below detailed cases:


-Case Number: Case CR-0098-93-G  
 County: Hidalgo County, Texas  
 Offense: Engaging in Organized Criminal Activity  
 Date of Offense: 10/15/92  
 Plea to Offense: Guilty  
 Punishment Imposed: 10 years Community Supervision  
 -Case No.: CR-1084-94-G  
 County: Hidalgo County, Texas  
 Offense: Aggravated Assault on a Peace Officer  
 Date of Offense: 12/04/93  
 Plea to Offense: Guilty  
 Punishment Imposed: 10 years Community Supervision

6. S/A Summers retrieved certified copies of the indictments, judgments, and discharge orders from the Hidalgo County District Court that detailed the above felony convictions. Both crimes are punishable by imprisonment for a term exceeding one year.

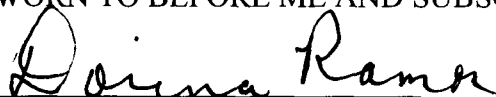
7. S/A Summers contacted the Hidalgo County Community Supervision and Corrections Department and received a photograph of VILLARREAL, which also identified him as the same person from the above detailed traffic stop.

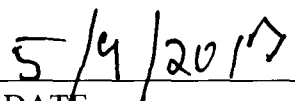
8. On May 5, 2017, SA Summers spoke with ATF Special Agent Carlos Delgado, who is a firearms and ammunition interstate nexus examiner. Based on the information SA Summers provided to SA Delgado about the firearm, SA Delgado stated that the firearm possessed by VILLARREAL was manufactured outside of the State of Texas. Therefore, the firearms had previously traveled in interstate or foreign commerce at sometime prior to being possessed by any person in the State of Texas.

9. Based upon the aforementioned, there is probable cause to believe that VILLARREAL, was in possession of the above mentioned firearm in violation of Title 18, United States Code, Section 922(g)(1), on February 2, 2017, in Hidalgo County, Texas.

  
 Freddie Summers, ATF Special Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE

  
 United States Magistrate Judge

  
 DATE